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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

10 EQUAL EMPLOYMENT OPPORTUNITY
 11 COMMISSION,

Plaintiff,

v.

SEVEN-UP BOTTLING COMPANY

Defendant.

CIVIL ACTION NO.

C 03 4254
 COMPLAINT
 Civil Rights
 – Employment Discrimination

JURY TRIAL DEMAND

NATURE OF THE ACTION

18 This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil
 19 Rights Act of 1991 to correct unlawful employment practices on the basis of sex and to provide
 20 appropriate relief to Amy Rohn who was adversely affected by such practices. As alleged below,
 21 defendant, Seven Up Bottling Company subjected Ms. Rohn to a sexually hostile work
 22 environment because of her sex, female.

JURISDICTION AND VENUE

23 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337,
 24 1343, and 1345. This action is authorized and instituted pursuant to sections 706(f)(1) of Title
 25 VII of the Civil Rights Act of 1964, as amended (Title VII), 42 U.S.C. §§2000e-5(f)(1), and
 26
 27
 28

COMPLAINT

1 Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

2 2. The employment practices alleged to be unlawful were and are now being
3 committed within Marin County which is within the jurisdiction of the United States District
4 Court for the Northern District of California.

5 INTRADISTRICT ASSIGNMENT

6 3. This case is appropriate for assignment to Oakland or San Francisco because the
7 unlawful employment practices alleged were and are being committed within Marin County.

8 PARTIES

9 4. Plaintiff, the Equal Employment Opportunity Commission ("EEOC"), is the
10 agency of the United States of America charged with the administration, interpretation, and
11 enforcement of Title VII and is expressly authorized to bring this action by sections 706(f)(1)
12 and (3) of Title VII, 42 U.S.C. §§2000e-5(f)(1) and (3).

13 5. At all relevant times, Defendant, Seven-Up Bottling Company ("Seven-Up" or
14 "Defendant Employer"), has continuously been doing business in the State of California and the
15 City of Santa Rosa and has continuously had at least fifteen employees.

16 6. At all relevant times, Defendant Employer has continuously been an employer
17 engaged in an industry affecting commerce within the meaning of section 701(b), (g), and (h) of
18 Title VII, 42 U.S.C. §2000e-(b), (g), and (h).

19 STATEMENT OF CLAIMS

20 7. More than thirty days prior to the institution of this lawsuit, Amy Rohn filed a
21 charge of discrimination with the EEOC alleging violations of Title VII by Defendant Employer.
22 All conditions precedent to the institution of this lawsuit have been fulfilled.

23 8. Since at least June 1998, Defendant Employer has engaged in unlawful practices
24 at its Santa Rosa California job site in violation of section 703(a)(1) of Title VII, 42 U.S.C.
25 §§2000e-2(a). These practices include subjecting Ms. Rohn to sexual harassment and to an
26 offensive, abusive, intimidating and hostile work environment based on her sex, female.

27 9. The effect of the practices complained of above has been to deprive Ms. Rohn of
28 equal employment opportunities and otherwise to adversely affect her status as an employee

COMPLAINT

1 because of her sex, female.

2 10. The unlawful employment practices complained of above were and are
3 intentional.

4 11. The unlawful employment practices complained of above were and are done with
5 malice and/or reckless disregard for the federally protected rights of Ms. Rohn.

6 PRAYER FOR RELIEF

7 WHEREFORE, the Commission respectfully requests that this Court:

8 A. Grant a permanent injunction enjoining Defendant Employer, its officers,
9 successors, assigns, and all persons in active concert or participation with it, from engaging in
10 sexual harassment, sex-based harassment, sex discrimination and any other employment practice
11 which discriminates on the basis of sex.

12 B. Order Defendant Employer to institute and carry out policies, practices, and
13 programs which provide equal employment opportunities for female employees and which
14 eradicate the effects of its past and present unlawful employment practices.

15 C. Order Defendant Employer to make whole Ms. Rohn by providing compensation
16 for past and future pecuniary losses resulting from the unlawful employment practices described
17 above, including medical expenses, with interest, in amounts to be determined at trial.

18 D. Order Defendant Employer to make whole Ms. Rohn by providing compensation
19 for past and future non-pecuniary losses caused by the above unlawful conduct, including pain
20 and suffering, emotional distress, indignity, loss of enjoyment of life, loss of self-esteem, and
21 humiliation, in amounts to be determined at trial.

22 E. Order Defendant Employer to pay Ms. Rohn and other similarly situated women
23 punitive damages for its malicious and reckless conduct described above, in amounts to be
24 determined at trial.

25 F. Grant such further relief as the Court deems proper.

26 G. Award the Commission its costs in this action.

27 JURY TRIAL DEMAND

28 The Commission requests a jury trial on all questions of fact raised by its complaint.

Respectfully submitted,

ERIC S. DREIBAND
GENERAL COUNSEL

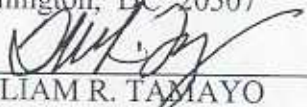
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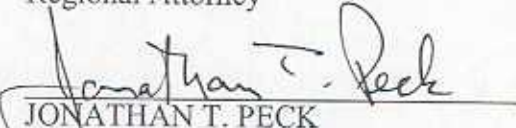
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Dated: 9/18/03


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